

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BRYAN FERNANDEZ, et al.,	:
	:
Plaintiffs,	: 16 Civ. 2762 (GWG)
	:
-v.-	: <u>ORDER TO SHOW CAUSE</u>
	:
HR PARKING INC., et al.,	:
	:
Defendants.	:
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GABRIEL W. GORENSTEIN, UNITED STATES MAGISTRATE JUDGE

By Order dated November 16, 2020, the Court scheduled a conference in this case to be held on December 3, 2020. See Docket # 137. In that order, the Court stated that “[t]he attorneys actually trying this case are required to attend this conference,” and noted that “[i]f necessary, the date of this conference may be changed.” Id. at 1 (emphasis added).

That conference was held today, and was attended by counsel who had appeared on the case (and are presumably intending to try the case) with the exception of counsel for defendant Open Road of Manhattan, LLC, Frank Joseph Keenan. Instead, an attorney who identified himself as Brent Pohlman appeared. Mr. Pohlman has never filed a notice of appearance in this case and admitted on questioning by the Court that he is not admitted to practice before the United States District Court for the Southern District of New York inasmuch as his application to practice is still pending. He also admitted that he was merely “covering” the conference for “one of [his] colleagues.”

As a result of Mr. Keenan’s failure to attend the conference, the conference obviously could not proceed, wasting the time of opposing counsel and of this Court.

Accordingly, it appearing to the Court that Mr. Keenan has (1) violated the Court’s Order of November 16, 2020, by not attending the conference or seeking an adjournment, and (2) caused an “attorney not a member of the bar of this Court” to appear “at the bar of this Court without permission to do so,” in violation of Local Civil Rule 1.5(b)(6),

it is hereby ORDERED that Mr. Keenan shall show cause why he should not be sanctioned pursuant to Fed. R. Civ. P. 16(f), 28 U.S.C. § 1927, and/or the inherent powers of the Court for these violations. Such showing shall be made by affidavit and a memorandum of law compliant with Local Civil Rule 7.1(a)(2) filed on or before December 11, 2020.

The Court will thereafter issue a written order in the event a sanction is imposed.

The conference scheduled in the Court’s Order of November 16, 2020 is adjourned to December 18, 2020, at 10:30 a.m.

SO ORDERED

Dated: December 3, 2020
New York, New York



GABRIEL W. CORENSTEIN
United States Magistrate Judge